



Environmental Protection Agency

1701 First Avenue, Maywood, IL. 60153

IL-299-11

312/345-9780

CERTIFIED MAIL

Return Receipt
#P 206 490 188



931036

Refer to: 03128502 - Cook County - Schiller Park/Refinery Products
ILD000665786

Compliance Inquiry Letter

August 14, 1984

QueVoe Chemical Industries, Inc.
Mr. John E. Suerth, President
2323 Mt. Prospect Road
P.O. Box 1660
DesPlaines, Illinois 60018

National Boulevard Bank of Chicago
T/D 6047
400 N. Michigan Avenue
Chicago, Illinois 60611

Gentlemen:

A July 17, 1984 inspection of your site revealed apparent violations of the Illinois Environmental Protection Act and/or violations of the Rules and Regulations of the Illinois Pollution Control Board. The purpose of this letter is to inquire as to your position with respect to the validity of the Agency findings and also your plans to correct the apparent violations. For your convenience, we are enclosing with this letter a copy of the inspection report. The apparent violations noted in our inspection are as follows:

Pursuant to 35 Ill. Adm. Code 725.212, the owner/operator must have a closure plan at the facility. The plan must include a description of how and when the facility will be partially closed, if applicable, and ultimately closed. The plan must address the steps needed to decontaminate facility equipment. Also required is an estimate of the maximum inventory of wastes in storage or treatment on site at any given time and a schedule for final closure including the anticipated date when wastes will no longer be required. The owner/operator must submit his closure plan to the Director at least 180 days before the date he expects to begin closure. You are in apparent violation of 35 Ill. Adm. Code 725.212 for the following reasons: 1) You failed to close your facility in accordance with Section 725.211 which states in part, "The owner or operator must close his facility in a manner that minimizes the need for further maintenance and controls, minimizes or eliminates ... post closure escape of hazardous waste, hazardous waste constituents, leachate, contaminated rainfall or waste decomposition products to the ground or surface water or to the environment." 2) You failed to submit a closure plan to the Director at least 180 days before closure as required by Section 725.212.

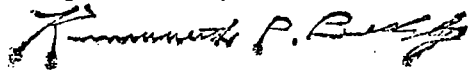
Please submit in writing, within fifteen (15) calendar days of the date of this letter, the reasons for the apparent violations outlined above, as well as a description of the steps you have instituted to prevent any further recurrence of the above-cited violations. The written response should be sent to the following address:

Mr. Kenneth P. Bechely, Northern Region Manager
Illinois Environmental Protection Agency
Division of Land Pollution Control
1701 So. First Avenue - Suite 600
Maywood, Illinois 60153

Further, take notice that non-compliance with the terms and conditions of your permit or with the Illinois Environmental Protection Act and the Rules and Regulations adopted thereunder may be the subject of an enforcement action pursuant to Title VIII of the Illinois Environmental Protection Act, Ch. 111 1/2, Ill. Rev. Stat., Sec. 1001 et seq.

If you have any questions regarding the above, please contact Lynn Crivello at the above number.

Respectfully,



Kenneth P. Bechely, Northern Region Manager
Field Operations Section
Division of Land Pollution Control

KPB:LAC:pgb:1758A

Enclosure: Inspection Report

cc: Division File
Northern Region
James Siebert, A.G.'s Office
Pierre Talbert, U.S. E.P.A.

PC 03128502
STATE IDENTIFICATION NUMBER
(If Applicable)

ILD 000665-78
EPA IDENTIFICATION NUMBER

RCRA INSPECTION REPORT - INTERIM STATUS STANDARDS
TREATMENT, STORAGE, AND DISPOSAL FACILITIES
Form A - General Facility Standards

I. General Information:

(A) Facility Name: QUE VOE CHEMICAL IND DIV. REFINERY PRODUCTS

(B) Street: 4256 WESLEY TERRACE

(C) City: SCHILLER PARK (D) State: ILLINOIS (E) Zip Code: 60176

(F) Phone: (312) 299-6504 (G) County: COOK

(H) Operator: NONE

(I) Street: _____

(J) City: _____ (K) State: _____ (L) Zip Code: _____

(M) Phone: _____ (N) County: _____

(O) Owner: QUE VOE CHEMICAL IND.

(P) Street: 2323 MT PROSPECT ROAD

(Q) City: DES PLAINES (R) State: ILLINOIS (S) Zip Code: 60018

(T) Phone: (312) 299-6504 (U) County: COOK

(V) Date of Inspection: 7-17-84 (W) Time of Inspection (From) 2:00 P (To) 2:30

(X) Weather Conditions: CLOUDY 85°

(Y) Person(s) Interviewed	Title	Telephone
<u>None</u>		
(Z) Inspection Participants	Agency/Title	Telephone
(AA) Preparer Information		
Name	Agency/Title	Telephone
<u>LA Crivello</u>	<u>EPA/EP5</u>	<u>(312) 345-9780</u>

II. SITE ACTIVITY:

Complete sections I through VII for all treatment, storage, and/or disposal facilities. Complete the forms (in parenthesis) in section VIII corresponding to the site activities identified below:

- | | |
|---|--|
| <p><input checked="" type="checkbox"/> A. Storage and/or Treatment</p> <p> 1. Containers (I)</p> <p> 2. Tanks (J)</p> <p> 3. Surface Impoundments (K)</p> <p> 4. Waste Piles (L)</p> <p><input type="checkbox"/> B. Land Treatment (M)</p> <p><input type="checkbox"/> C. Landfills (N)</p> | <p><input type="checkbox"/> D. Incineration and/or Thermal Treatment (O and P)</p> <p><input type="checkbox"/> E. Chemical, Physical, and Biological Treatment (Q)</p> |
|---|--|

Note: If facility is also a generator or transporter of hazardous waste complete section IX and X of this form as appropriate.

III. GENERAL FACILITY STANDARDS:
(Part 265 Subpart B)

	Yes	No	NI*	Remark
(A) Has the Regional Administrator been notified regarding:				
1. Receipt of hazardous waste from a foreign source?	—	—	<u>X</u>	<u>unknown</u>
2. Facility expansion?	—	—	<u>X</u>	<u>No Facility Expansion</u>
(B) General Waste Analysis:				
1. Has the owner or operator obtained a detailed chemical and physical analysis of the waste?	—	—	<u>X</u>	<u>No Records Available</u>
2. Does the owner or operator have a detailed waste analysis plan on file at the facility?	—	—	<u>X</u>	
3. Does the waste analysis plan specify procedures for inspection and analysis of each movement of hazardous waste from off-site?	—	—	<u>X</u>	
(C) Security - Do security measures include: (if applicable)				
1. 24-Hour surveillance?	—	<u>X</u>	—	
2. Artificial or natural barrier around facility?	<u>X</u>	—	—	
3. Controlled entry?	<u>X</u>	—	—	
4. Danger sign(s) at entrance?	<u>X</u>	—	—	
(D) Do Owner or Operator Inspections Include:				
1. Records of malfunctions?	—	—	<u>X</u>	
2. Records of operator error?	—	—	<u>X</u>	
3. Records of discharges?	—	—	<u>X</u>	

*Not Inspected

III. GENERAL FACILITY STANDARDS - Continued

	Yes	No	NI*	Remarks
4. Inspection schedule?	---	---	<u>X</u>	-----
5. Safety, emergency equipment?	---	---	<u>X</u>	-----
6. Security devices?	---	---	<u>X</u>	-----
7. Operating and structural devices?	---	---	<u>X</u>	-----
8. Inspection log?	---	---	<u>X</u>	-----
 (E) Do personnel training records include: (Effective 5/19/81)				
1. Job titles?	---	---	<u>X</u>	-----
2. Job descriptions?	---	---	<u>X</u>	-----
3. Description of training?	---	---	<u>X</u>	-----
4. Records of training?	---	---	<u>X</u>	-----
5. Have facility personnel received required training by 5-19-81?	---	---	<u>X</u>	-----
6. Do new personnel receive required training within six months?	---	---	<u>X</u>	-----
 (F) If required are the following special requirements for ignitable, reactive, or incompatible wastes addressed?				
1. Special handling?	---	---	<u>X</u>	-----
2. No smoking signs?	---	---	<u>X</u>	-----
3. Separation and protection from ignition sources?	---	---	<u>X</u>	-----

*Not Inspected

IV. PREPAREDNESS AND PREVENTION:
(Part 265 Subpart C)

(A) Maintenance and Operation
of Facility:

Is there any evidence of fire,
explosion, or release of
hazardous waste or hazardous
waste constituent?

Yes No NI* Remarks

X

Black oily material
was observed seeping
under the dike.

(B) If required, does the facility
have the following equipment:

1. Internal communications or
alarm systems?
2. Telephone or 2-way radios
at the scene of operations?
3. Portable fire extinguishers,
fire control, spill control
equipment and decontamination
equipment?

 X

 X

 X

Indicate the volume of water and/or foam available for fire control:

(C) Testing and Maintenance of
Emergency Equipment:

1. Has the owner or operator
established testing and
maintenance procedures
for emergency equipment?
2. Is emergency equipment
maintained in operable
conditions?

 X

 X

(D) Has owner or operator provided
immediate access to internal
alarms? (if needed)

 X

*Not Inspected

(E) Is there adequate aisle space
for unobstructed movement? _____ X _____

V. CONTINGENCY PLAN AND EMERGENCY PROCEDURES:
(Part 265 Subpart D)

(A) Does the Contingency Plan contain the
following information:

Yes No NI* Remarks

1. The actions facility personnel must take to comply with §265.51 and 265.56 in response to fires, explosions, or any unplanned release of hazardous waste? (If the owner has a Spill Prevention, Control, and Counter-measures (SPCC) Plan, he needs only to amend that plan to incorporate hazardous waste management provisions that are sufficient to comply with the requirements of this Part (as applicable.)
_____ X _____
2. Arrangements agreed by local police departments, fire departments hospitals, contractors, and State and local emergency response teams to coordinate emergency services pursuant to §265.37?
_____ X _____
3. Names, addresses, and phone numbers (office and home) of all persons qualified to act as emergency coordinators?
_____ X _____
4. A list of all emergency equipment at the facility which includes the location and physical description of each item on the list and a brief outline of its capabilities?
_____ X _____
5. An evacuation plan for facility personnel where there is a possibility that evacuation could be necessary? (This plan must describe signal(s) to be used to begin evacuation, evacuation routes, and alternate evacuation routes?)
_____ X _____

*Not Inspected

V. CONTINGENCY PLAN AND EMERGENCY PROCEDURES - Continued

Yes	No	NI*	Remarks
-----	----	-----	---------

- (B) Are copies of the Contingency Plan available at site and local emergency organizations?

- (C) Emergency Coordinator

1. Is the facility Emergency Coordinator identified?

 X

2. Is coordinator familiar with all aspects of site operation and emergency procedures?

3. Does the Emergency Coordinator have the authority to carry out the Contingency Plan?

 X

- (D) Emergency Procedures

If an emergency situation has occurred at this facility, has the Emergency Coordinator followed the emergency procedures listed in 265.56?

X

VI. MANIFEST SYSTEM, RECORDKEEPING, AND REPORTING

Yes	No	NI*	Remarks
-----	----	-----	---------

- (A) Use of Manifest System

1. Does the facility follow the procedures listed in §265.71 for processing each manifest?

_____X

2. Are records of past shipments retained for 3 years?

_____ Y

- (B) Does the owner or operator meet requirements regarding manifest discrepancies?

_____ X

VI. RECORDKEEPING - Continued

(C) Operating Record

1. Does the owner or operator maintain an operating record as required in 265.73?

— — X —

2. Does the operating record contain the following information:

- **b. The method(s) and date(s) of each waste's treatment, storage, or disposal as required in Appendix I?

— — X —

- c. The location and quantity of each hazardous waste within the facility?

— — X —

- ***d. A map or diagram of each cell or disposal area showing the location and quantity of each hazardous waste? (This information should be cross-referenced to specific manifest number, if waste was accompanied by a manifest.)

— — X —

- e. Records and results of all waste analyses, trial tests, monitoring data, and operator inspections?

— — X —

- f. Reports detailing all incidents that required implementation of the Contingency Plan?

— — X —

- g. All closure and post closure costs as applicable? (Effective 5-19-81)

— — X —

** See page 33252 of the May 19, 1980, Federal Register.

*** Only applies to disposal facilities

VII. CLOSURE AND POST CLOSURE
(Part 265 Subpart G)

	Yes	No	NI*	Remarks
(A) Closure and Post Closure				
1. Is the facility closure plan available for inspection by May 19, 1981?	—	—	<u>✓</u>	
2. Has this plan been submitted to the Regional Administrator	—	<u>X</u>	—	
3. Has closure begun?	—	—	<u>X</u>	<u>UNKNOWN - AT TIME</u>
4. Is closure estimate available by May 19, 1981?	—	—	<u>✓</u>	<u>OF INSPECTION FACILITY</u> <u>WAS INACTIVE</u>
(B) Post closure care and use of property				
Has the owner or operator supplied a post closure monitoring plan? (effective by May 19, 1981)	—	—	<u>X</u>	<u>NAT Required</u>

VIII. FACILITY STANDARDS
(Part 265, Subparts I thru R)

I
USE AND MANAGEMENT OF CONTAINERS

Facility Name: Refinery Products Date of Inspection: 7-17-84

	Yes	No	NI*	Remarks
1. Are containers in good condition?	—	—	<u>X</u>	
2. Are containers compatible with waste in them?	—	—	<u>X</u>	
3. Are containers stored closed?	—	—	<u>✓</u>	
4. Are containers managed to prevent leaks?	—	—	<u>X</u>	
5. Are containers inspected weekly for leaks and defects?	—	—	<u>X</u>	
6. Are ignitable & reactive wastes stored at least 15 meters (50 feet) from the facility property line? (Indicate if waste is ignitable or reactive.)	—	—	<u>X</u>	

	Yes	No	NI*	Remarks
7. Are incompatible wastes stored in separate containers? (If not, the provisions of 40 CFR 265.17(b) apply.)	---	---	X	-----
8. Are containers of incompatible waste separated or protected from each other by physical barriers or sufficient distance?	---	---	X	-----

J
TANKS

Facility Name: -----

Date of Inspection: -----

1. Are tanks used to store only those wastes which will not cause corrosion, leakage or premature failure of the tank?	---	---	---	-----
2. Do uncovered tanks have at least 60 cm (2 feet) of freeboard, or dikes or other containment structures?	---	---	---	-----
3. Do continuous feed systems have a waste-feed cutoff?	---	---	---	-----
4. Are waste analyses done before the tanks are used to store a substantially different waste than before?	---	---	---	-----
5. Are required daily and weekly inspections done?	---	---	---	-----
6. Are reactive & ignitable wastes in tanks protected or rendered non-reactive or non-ignitable? Indicate if waste is ignitable or reactive. (If waste is rendered non-reactive or non-ignitable, see treatment requirements.)	---	---	---	-----
7. Are incompatible wastes stored in separate tanks? (If not, the provisions of 40 CFR 265.17(b) apply.)	---	---	---	-----

IV. Open Burning

A. Only complete this part if the facility open burns hazardous waste.

	Yes	No	NI*	Remarks
1. Does this facility burn <u>only</u> waste explosives? (A <u>No</u> answer means <u>other</u> hazardous waste is open-burned.)	_____	_____	_____	
2. If this facility open-burns waste explosives, does it burn the waste at a distance greater than or equal to the minimum specified distance (below)	_____	_____	_____	

Pounds of waste explosives or propellants	Minimum distance from open burning or detonation to the property of others	
0 to 100.....	204 m	670 ft
101 to 1,000.....	380 m	1,250 ft
1,001 to 10,000.....	530 m	1,730 ft
10,001 to 30,000.....	690 m	2,260 ft

Q

CHEMICAL, PHYSICAL and BIOLOGICAL TREATMENT

Facility Name: Refinery Products

Date of Inspection: 7-17-84

	Yes	No	NI*	Remarks
1. Is equipment used to treat only those wastes which will not cause leakage, corrosion, or premature failure?	_____	_____	<u>X</u>	
2. Is a continuously fed system equipped with a means of hazardous waste inflow stoppage or control (e.g., cut-off system?)	_____	_____	<u>X</u>	

	Yes	No	NI*	Remarks
3. Has the owner or operator addressed the waste analysis requirements of 265.402?	___	___	<u>X</u>	_____
4. Are inspection procedures followed according to 265.403?	___	___	<u>X</u>	_____
5. Are the special requirements fulfilled for ignitable or reactive wastes?	___	___	<u>X</u>	_____
6. Are incompatible wastes treated? (If yes, 265.17(b) applies.)	___	___	<u>X</u>	_____

Note: EPA has temporarily suspended the applicability of the requirements of the hazardous waste regulations in 40 CFR Parts 122, 264 and 265 to owners and operators of (1) wastewater treatment tanks that receive, store, and treat wastewaters that are hazardous waste or that generate, store or treat a wastewater treatment sludge which is a hazardous waste where such wastewaters are subject to regulation under Sections 402 or 307(b) of the Clean Water Act (33 U.S.C. 1251 et seq.) and (2) neutralization tanks, transport vehicles, vessels, or containers which neutralize wastes which are hazardous only because they exhibit the corrosivity characteristic under 40 CFR §261.2 or are listed as hazardous wastes in Subpart D of 40 CFR Part 261 only for this reason.

IX

Complete this section if the owner or operator of a TSD facility also generates hazardous waste that is subsequently shipped off-site for treatment, storage, or disposal.

1. MANIFEST REQUIREMENTS

	Yes	No	NI*	Remarks
(A) Does the operator have copies of the manifest available for review?	___	___	<u>X</u>	_____
(B) Do the manifest forms reviewed contain the following information: (If possible, make copies of, or record information from, manifest(s) that do not contain the critical elements)				
1. Manifest document number?	___	___	<u>X</u>	_____
2. Name, mailing address, telephone number, and EPA ID Number of Generator	___	___	<u>X</u>	_____

	Yes	No	NI*	Remarks
3. Name and EPA ID Number of Transporter(s)?	___	___	<u>X</u>	_____
4. Name, address, and EPA ID Number of Designated permitted facility and alternate facility?	___	___	<u>X</u>	_____
5. The description of the waste(s) (DOT shipping name, DOT hazard class, DOT identification number)?	___	___	<u>X</u>	_____
6. The total quantity of waste(s) and the type and number of containers loaded?	___	___	<u>X</u>	_____
7. Required certification?	___	___	<u>X</u>	_____
8. Required signatures?	___	___	<u>X</u>	_____
(C) Does the owner or operator submit exception reports when needed?	___	___	<u>X</u>	_____

2. PRE-TRANSPORT REQUIREMENTS

(A) Is waste packaged in accordance with DOT Regulations? (Required prior to movement of hazardous waste off-site)	___	___	<u>X</u>	_____
(B) Are waste packages marked and labeled in accordance with DOT regulations concerning hazardous waste materials? (Required to movement of hazardous waste off-site)	___	___	<u>X</u>	_____
(C) If required, are placards available to transporters of hazardous waste?	___	___	<u>X</u>	_____

VI. RECORDKEEPING and REPORTING
(Part 262, Subpart D)

Yes No NI* Remarks

(A) Are Manifests, Annual Reports, Exception Reports, and all test results and analyses retained for at least three years?

___ ___ X

(B) Has the generator submitted Annual Reports and Exception Reports as required?

___ ___ X

VII. INTERNATIONAL SHIPMENTS
(Part 262, Subpart E)

Has the installation imported or exported Hazardous Waste?

___ ___ X

(If answered Yes, complete the following as applicable.)

1. Exporting Hazardous waste, has a generator:

a. Notified the Administrator in writing?

___ ___ ___

b. Obtained the signature of the foreign consignee confirming delivery of the waste(s) in the foreign country?

___ ___ ___

c. Met the Manifest requirements?

___ ___ ___

2. Importing Hazardous Waste, has the generator:

Met the manifest requirements?

___ ___ ___

X
TRANSPORTER REQUIREMENTS
40 CFR Part 263

Complete this Section if the owner or operator transports hazardous waste.

I. MANIFEST SYSTEM AND RECORDKEEPING
(Subpart B)

	Yes	No	NI*	Remarks
--	-----	----	-----	---------

Are copies of the completed manifests or shipping paper(s) available for review and retained for three years?

_____	_____	X	
-------	-------	---	--

II. INTERNATIONAL SHIPMENTS

A. Does the transporter record on the manifest the date the waste left the U.S.?

_____	_____	X	
-------	-------	---	--

B. Are signed completed manifest(s) on file?

_____	_____	X	
-------	-------	---	--

V. MISCELLANEOUS

A. Does transporter transport hazardous waste into the U.S. from abroad?

_____	_____	X	
-------	-------	---	--

B. Does the transporter mix hazardous waste of different DOT shipping descriptions by placing them into a single container?

_____	_____	X	
-------	-------	---	--

NOTE: If (A) or (B) were answered "Yes" then the Transporter is also a Generator and must comply with the Generator regulations.

*Not Inspected

REMARKS

Use this section to briefly describe site activities observed at the time of the inspection. Note any possible violations of Interim Status Standards.

At the time of this inspection the facility was not in operation and all gates and doors were locked. I contacted the former operator of the facility, John Van Hoeson^{who} told me in a phone conversation that he had vacated the facility on July 1, 1984. The facility is owned by Que Voe Inc which in turn is owned by Mr John Sererth. When I talked to Mr Suerth He told me that he had no definite plans for the Schiller Park facility. I learned later that Mr Suerth had filed chapt. 11 Bankruptcy. At this time it is unknown how much if any hazardous waste has been left at the facility.

1a. U.S. EPA ID # <u>ELD 000665786</u>		3. <u>Schiller PK</u> City		4. Agency doing evaluation S = State J = Joint State/U.S. EPA E = U.S. EPA (etc) <div style="border: 1px solid black; width: 30px; height: 30px; display: flex; align-items: center; justify-content: center; margin: 5px;">S</div>																																																																																																																						
1b. State ID # <u>LPC 03128502</u>																																																																																																																										
2. Facility Name <u>Refinery PRODUCTS</u>																																																																																																																										
5a. DATE OF INITIAL EVALUATION WHICH IS THE BASIS FOR THIS REPORT (may be date of a previous inspection or review or other) <u>07</u> <u>17</u> <u>84</u> M D Y				5b. Inspection Comment: <u>SITE NO LONGER IN OPERATION CHAPT II REORGANIZATION Bankruptcy</u>																																																																																																																						
6. TYPE OF EVALUATION COVERED BY THIS REPORT (check one box only)																																																																																																																										
<input checked="" type="checkbox"/> Compliance Evaluation Inspection <input type="checkbox"/> Groundwater Inspection <input type="checkbox"/> Sampling Inspection <input type="checkbox"/> Follow-up (to enforcement action) <input type="checkbox"/> Detailed Record Review <input type="checkbox"/> Other																																																																																																																										
7. Date of the Evaluation in #6 if the Evaluation follows an Initial Evaluation (either blank or different from date in #5) <u>M</u> <u>D</u> <u>Y</u>				For State Use																																																																																																																						
8. Area & Class of Violation (enter number of violations by area and class) If no violation(s), enter a zero in the box(es)	Class of Violation	Groundwater	Closure/Post Closure	Financial	Manifest	Compliance Schedule	Part B App	Other																																																																																																																		
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9. Enforcement Action (listing must include Class I violations; (if there are only class II or III, enter the enforcement action for output tracking purposes.)				10. Comment (limited to 80 characters):																																																																																																																						
<table border="1" style="width:100%; border-collapse: collapse; text-align: center;"> <thead> <tr> <th rowspan="2">Violation Class (if not I)</th> <th rowspan="2">Area</th> <th rowspan="2">Type of Action (enter code)</th> <th rowspan="2">Date of Action</th> <th colspan="2">Compliance Date</th> <th colspan="2">Status</th> <th rowspan="2">Resp* Agency</th> <th rowspan="2">Free Field</th> <th colspan="2">Penalty (if any)</th> </tr> <tr> <th>Scheduled</th> <th>Actual</th> <th>Code</th> <th>Date</th> <th>Assessed</th> <th>Collected</th> </tr> </thead> <tbody> <tr> <td><u>1</u></td> <td><u>CL/PC</u></td> <td><u>3</u></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td><u>S</u></td> <td></td> <td></td> <td></td> </tr> <tr><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td></tr> </tbody> </table>									Violation Class (if not I)	Area	Type of Action (enter code)	Date of Action	Compliance Date		Status		Resp* Agency	Free Field	Penalty (if any)		Scheduled	Actual	Code	Date	Assessed	Collected	<u>1</u>	<u>CL/PC</u>	<u>3</u>						<u>S</u>																																																																																							
Violation Class (if not I)	Area	Type of Action (enter code)	Date of Action	Compliance Date		Status		Resp* Agency					Free Field	Penalty (if any)																																																																																																												
				Scheduled	Actual	Code	Date		Assessed	Collected																																																																																																																
<u>1</u>	<u>CL/PC</u>	<u>3</u>						<u>S</u>																																																																																																																		

January 3, 1984

*Assumed to be State unless indicated otherwise

NOTIFIED AS: TSD

REGULATED AS: TSD

COMMENTS: Facility no longer in operation
Chapt 11 Bankruptcy

REGULATION UNDER RCRA

Qu Voe accepts chlorinated solvents which are listed in Subpart D of Part 721 of the Interim Status Standards, Section 721.131, Hazardous Waste Nos. F001 and F002. See computer printouts of manifests for both facilities. (Exhibits 19, 20 and 56) Because these wastes are "a hazardous waste . . . which is listed in Subpart D" and are "transported or stored prior to being used, re-used, recycled or reclaimed", their storage and transportation are subject to the regulations listed in Section 721.106(b) and are not exempt from regulation by Section 721.106(a). Thus the generators of the wastes that Qu Voe receives are subject to Part 722; transporters of these wastes are subject to Part 723; and Qu Voe is subject to the requirements of Subparts A thru J and L of Part 725 and the storage requirements of 40 CFR 122 and 124. In addition, Qu Voe's recovery process yields sludges and still bottoms which are also listed hazardous wastes under Section 721.131, Hazardous Waste Nos. F001 and F002. Qu Voe has sold these sludges and still bottoms to an asphalt producing company for use as a secondary fuel, and has also sold them for use as cutting oil and form oil (See Exhibit 79). Because they are listed hazardous wastes, Qu Voe is regulated as a generator of these wastes under Part 722, the transporters of these wastes are regulated under Part 723, and the purchaser of these products or any one else who receives them are regulated as treatment, storage or disposal facilities under Part 725.

The distillation process that results in the reclamation of hazardous wastes listed in Subpart D of Part 721 is not regulated.

VIOLATIONS

Violations by Respondent fall into four categories: RCRA violations applicable because Respondent receives hazardous wastes at both facilities

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Qu Voe Chemical Industries, Inc. is an Illinois corporation which owns two facilities in Cook County that are the subject of this enforcement action: Refinery Products in Schiller Park and Recycobl in DesPlaines. ^{Change} At both facilities it receives, stores and then reprocesses waste oils, mineral spirits and chlorinated solvents. It then sells the reprocessed materials. It has also sold the sludges and still bottoms generated from the recovery process. It is regulated under RCRA as described below. Qu Voe also owns North Branch Waste Oil Company, a licensed special waste hauler. John Suerth, president of Qu Voe also owns Spectro Chemical Labs; Spectro may or may not be subsidiary of Qu Voe Chemical Industries, Inc.

The Schiller Park Refinery Products facility received a development permit from the Agency on July 2, 1981 (Exhibit 13) and an operating permit on Oct. 29, 1981 (Exhibit 16). It has been in business, however, since 1935. The primary operation at that site is the reprocessing of waste oils and the storage and filtering of waste solvents. The DesPlaines Recycobl facility received a development permit on July 2, 1981 (Exhibit 51) and an operating permit on December 17, 1981 (Exhibit 55). The primary operation at this facility is reprocessing mineral spirits and chlorinated solvents. More complete descriptions of both facilities are contained in Exhibits 33 and 74.

John Suerth is president of the corporation and at this time is normally the only person on site at the DesPlaines facility. John VanHoesen is employed by Qu Voe and at this time is normally the only person on site at the Schiller Park facility. The company also employs drivers to pick up wastes for reprocessing. The name and address of the registered agent of the corporation is John Suerth, 4256 Wesley, Schiller Park, Illinois 60176. Suerth's home address is listed with the Illinois Secretary of State as **NON- RESPONSIVE**

42. From May 17, 1982 to the current date, Respondent has failed to post a sign with the legend "Danger - Unauthorized Personnel - Keep Out" as required by Section 725.114(c) of the Hazardous Waste Operating Requirements, in violation of that section and therefore of Section 21(f) of the Act. (Exhibits 73, 74 and 77)

43. From May 17, 1982 to the current date, Respondent has failed to provide "No Smoking" signs at its DesPlaines Recycobl facility at locations in which there was a hazard from ignitable waste, in violation of Section 725.117 of the Hazardous Waste Operating Requirements and therefore of Section 21(f) of the Act. (Exhibits 73, 74 and 77)

EFFORTS TO BRING RESPONDENT INTO COMPLIANCE

A Compliance Inquiry Letter was mailed to Respondent on July 16, 1982 and a response was mailed by QuVoe on July 23, 1982 (Exhibits 26 and 27). Pre-Enforcement Conferences pursuant to correspondence dated March 3, 1983 were held on March 17, 1983 and March 24, 1983. (Exhibits 35, 36 and 77) At the meeting of March 17th, Mr. Suerth agreed to submit certain documents at the March 24, 1983 meeting as described in Exhibit 36. The documents provided to the Agency on March 29th were not adequate and for this reason this enforcement action is being initiated. See also Exhibit 39.

ENVIRONMENTAL HARM

Respondent has harmed the environment in the following manner:

- 1) The corporation has not provided financial assurance as required by the RCRA Interim Status Standards. At any one time, the Company has a considerable quantity of hazardous waste stored on its two sites. John Suerth, president of Qu Voe, has stated on several occasions that the Company is in financial difficulty. If the Company were to go bankrupt, the cost of waste removal from both sites would be high, and there may be no responsible party financially able to pay for site closure.
- 2) Many of the wastes stored on both premises are ignitable. A fire at either facility would be difficult to handle. Qu Voe, however, has no effective contingency plan at either facility, is very sloppy in the handling of its wastes, and has no regular inspection schedule. Moreover, the Recycobl facility is not within the DesPlaines municipal limits. Qu Voe has not paid to obtain fire protection. DesPlaines Fire Department personnel have said they would not respond to a fire at Qu Voe. Thus, both sites, particularly the Recycobl site, are a potential fire hazard.

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(Violation Nos. 1 to 20); RCRA violations applicable because the Recycobl facility generates hazardous wastes (Violation Nos. 21 to 30); violations relating to improper or sloppy operation at the Refinery Products facility (Violation Nos. 31 to 36) and violations relating to improper or sloppy operation at the Recycobl facility (Violation Nos. 37 to 43).

1-2. From May 17, 1982 to the current date, Respondent has conducted hazardous waste storage operations at its Schiller Park Refinery Product and DesPlaines Recycobl facilities without a RCRA permit, in violation of Section 21(f)(1) of the Act. (Robert Stone, of the U.S.EPA will be able to testify that neither of the facilities obtained Interim Status.) (Two violations - one at each facility.)

3-4. From May 17, 1982 to the current date, Respondent has failed to obtain a chemical and physical analysis of a representative sample of the wastes which it has received at both its Schiller Park Refinery Products and its DesPlaines Recycobl facilities, as required by Section 725.113(a) of 35 Ill. Administration Code, Subtitle G, Chapter 1, Subchapter C ("Hazardous Waste Operating Requirements"), in violation of that section and therefore of Section 21(f) of the Act. (Two violations - one at each facility.) (Exhibits 33, 35, 38, 73 and 74)

5-6. From May 17, 1982 to the current date, Respondent failed to develop and follow a written waste analysis plan for either its Schiller Park Refinery Products or its DesPlaines Recycobl facilities, as required by Section 725.113(b) of the Hazardous Waste Operating Requirements, in violation of that section and therefore of Section 21(f) of the Act. (Two violations - one at each facility)(Exhibits 33, 34, 35, 38, 73, 74 and 77)

7-8. From May 17, 1982 to the current date, Respondent failed to develop and follow a written schedule for inspecting all monitoring equipment, safety and emergency equipment, security devices and operating and structural equipment for either its Schiller Park Refinery Products or its DesPlaines Recycobl facilities, as required by Section 725.115(b) of the Hazardous Waste Operating Requirements, in violation of that section and therefore of Section 21(f) of the Act. (Two violations - one at each facility) (Exhibits 33, 34, 35, 38, 73, 74 and 77)

9-10. From May 17, 1982 to the current date, Respondent has failed to provide personnel training as required by Section 725.116(a) and (b) of the Hazardous Waste Operating Requirements or to maintain documents and records concerning this training, as required by Section 725.116(d) and (e), for either its Schiller Park Refinery Products or its DesPlaines Recycobl facilities, in violation of Section 725.116 of the Hazardous Waste Operating Requirements, and therefore of Section 21(f) of the Act. (Two violations - one at each facility) (Exhibits 33, 34, 35, 38, 73, 74 and 77)

11-12. From May 17, 1982 to the current date, Respondent has failed to have a contingency plan for its either Schiller Park Refinery Products or its DesPlaines Recycobl facilities which included a list of all emergency equipment and an evacuation plan as required by Section 725.152(e) and (f)

- 3) The Company sells the sludges and still bottoms generated from the recovery of halogenated solvents as a secondary fuel to an asphalt company. They are listed as hazardous wastes. The incomplete combustion of these wastes in their use as a secondary fuel could produce hazardous air emissions.
- 4) Because the Company has not developed and implemented a waste analysis plan or operating record as required by the RCRA Interim Status Standards, the state is unable to adequately determine if the site is operated in an environmentally sound manner.
- 5) As the result of frequent spillage, the ground at both facilities is contaminated with oils and solvents.
- 6) Compliance with the IEPA permit system by all regulated parties is necessary for the State to effectively track and insure that wastes are handled in an environmentally sound manner. In order to promote compliance, those companies who ignore the system, such as Respondent, should be prosecuted under the provisions of the Act.

U.S. EPA INVOLVEMENT

Administrative Orders were issued by the U.S. EPA on January 21, 1981 against Qu Voe Chemical Industries, Inc. for both its Schiller Park and DesPlaines facilities. (Exhibits 92 and 93) These were later dismissed by the U.S. EPA on the basis of representations by the Company that hazardous wastes were neither stored nor generated at either facility. (Exhibits 94 and 95) The U.S. EPA is now pursuing possible criminal prosecution against Qu Voe Chemical Industries, Inc. because of these false representations. Pierre Talbert of the U.S. EPA is handling this matter. (Telephone No. 886-6839)

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COST OF NON COMPLIANCE

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The cost savings accrued to Qu Voe Chemical Industries, Inc. due to its non-compliance is outlined below:

1. Cost of developing and maintaining records as required by RCRA.

2. Cost of maintaining financial assurance from May 17, 1982 to the current date. We will be able to compute this when we know an estimated closure cost.
3. Cost of performing the required chemical analysis of incoming hazardous waste. Qu Voe has the capability to perform these tests on site. Hence, the cost saved is one of manhours.
4. Cost of proper disposal of all wastes. The wastes are of two kinds: incoming hazardous chlorinated solvents which could not be recovered and were thus disposed of either by sale for use as a secondary fuel, form oil or cutting oil, or in some other fashion; and still bottoms and sludges generated through the recovery of hazardous chlorinated solvents. Through discovery we may be able to determine the quantity of both types of wastes and, with this information, compute a cost savings.

Because the Company has not kept the records required by RCRA, it is not possible to reasonably determine the cost saved as the result of non-compliance. It does not appear, however, that the cost saved since May 17, 1982 would exceed \$25,000.00.

RELIEF SOUGHT

The Agency is seeking the following relief in this case:

For the Schiller Park Refinery Products Site:

- a. Cleanup of all contaminated soil on site. This will require testing to determine the extent of soil contamination and removal to a permitted site in accordance with applicable regulations.
- b. Installation of monitoring wells on site for the purpose of monitoring possible groundwater contamination and implementation of a sampling program.
- c. All waste loading and storage areas including tanks and drum storage areas, shall have an impervious base and shall be bermed to prevent runoff of spilled wastes.
- d. Removal of waste in tank cars on site and cleaning of the tank cars in accordance with applicable regulations. The IEPA should be informed in advance of the date of this removal.
- e. All RCRA requirements shall be met, with particular attention to be paid to a closure plan, estimated cost of closure, and financial assurance.

For the DesPlaines Recycloyl Site:

- a. Cleanup of all contaminated soil on site. This will require testing to determine the extent of soil contamination and removal to a permitted site in accordance with applicable regulations.
- b. Installation of monitoring wells on site for the purpose of monitoring possible groundwater contamination and implementation of a sampling program.
- c. All waste loading and storage areas including tank and drum storage areas, shall have an impervious base and shall be bermed to prevent runoff of spilled wastes.
- d. Clean out and disposal of all contaminated water in the cistern in accordance with applicable regulations.
- e. All RCRA requirements shall be met, with particular attention to be paid to a closure plan, estimated cost of closure, and financial assurance.

The Agency also seeks a penalty. Without further information on cost savings, the Agency recommends a penalty of \$40,000.00. This is based upon a cost savings of \$25,000.00, and the deliberate nature of the Company's actions in neglecting RCRA regulations, improperly storing its wastes and failing to cleanup on-site spillage. When further information is obtained through discovery, this figure can be modified.

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DEFENSES TO BE RAISED

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Respondent has continuously stated he is not regulated under RCRA because he recycles wastes. (See Exhibit 71) The Interim Status Regulations show clearly however, that the Company is regulated under RCRA as a storage facility and as a generator of hazardous wastes. Exhibits 27, 38 and 67 are responses by Qu Voe to particular violations.

In addition, it is unclear whether operating without U.S.EPA Interim Authorization is a violation of Section 21(f)(1) of the Act. Section 3(vv) of the Act defines a RCRA permit as a permit issued by the Agency pursuant to authorization received by the Agency from the U.S.EPA.

The IEPA does not have authorization from the U.S. EPA to issue permits under RCRA. Until authorization is granted to the IEPA, all permits under RCRA, including Interim Status, are granted by the U.S. EPA. See also Section 700.105 of the Interim Status Standards. Because of these problems the Agency would appreciate reviewing this with the Attorney General's Office prior to filing suit.



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

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MEMORANDUM

SEP 05 1984

TO: LAND DIVISION FILE

DATE: 8-29-84

FROM: L A CRIVELLO

IEPA-DLPC

☒ Information only

SUBJECT: COOK CO LPC 03/28502

☐ Response requested

SCHILLER PARK/REFINERY PRODUCTS

On WEDNESDAY August 22, 1984 AN EMERGENCY clean up began at REFINERY PRODUCTS. The contractor performing the work was PETROCHEM. Four workers were present on the 22nd. They began working at 8 AM AND STOPPED AT 5:30 PM. The equipment used ~~was~~ INCLUDED A Backhoe, SMALL DOZER, A BOBCAT A COMPRESSOR AND A PUMP. ON THIS DATE THE FENCING WAS REPAIRED, A GRAVEL RAMP WAS CONSTRUCTED OVER THE CONTAINMENT WALL AND A PORTION OF THE ~~DI~~ CONTAMINATED MATERIAL WAS REMOVED FROM THE AREA BETWEEN THE SIDE WALK AND STREET AND DEPOSITED INTO THE CONTAINMENT AREA.

ON THURSDAY 3 petrochem people started at 7 AM AND worked until 5:30 PM. AN ADDITIONAL person worked FROM 11 AM to 4:30 DELIVERING CLAY. The equipment USED INCLUDED The Backhoe, Dozer, Bobcat, and also a Jack hammer. On This date Liquids FROM THE DIKE AREA were pumped INTO TANK 8 on the west side of the TANK FARM. A 3-4 ft trench was dug along the inside of the Containment wall along the East side of the site. This trench was partially packed with a clay seal (The seal was completed the following day. In addition parts of the sidewalk along the containment wall that showed heavy contamination were removed and placed within the containment wall with the contaminated soil.